

### REMARKS

Claims 1-19 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 1, 4 and 6-19.

Claims 1, 2, 4 and 10 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of De Paoli Ambrosi (U.S. 7,169,811) in view of Yu et al. (U.S. 5,686,489).

Applicant has attached a terminal disclaimer to overcome this provisional rejection.

Claims 1-19 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicant has amended the claims to provide that the present invention relates to a composition and a method for curing dermatitis infections including pyodermatitis, dermatitis, eczema and cutaneous blemishes. These are all caused by bacterial infections. This is supported on page 1, lines 5-11. Accordingly, Applicant respectfully requests that the Examiner remove the rejection in view of the changes to the claims.

Claims 4 and 6-19 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 4 and 6-19 paying close attention to the Examiner's remarks. Applicant wishes to thank the Examiner for the careful review of the claims. It is Applicant's position that the claims as now presented are clear and satisfy the requirements of the statute.

Claims 6-8 and 12-19 have been rejected under 35 U.S.C. 101 because the Office Action states that the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

Applicant has amended claims 6-8 and 12-19 such that the claims relate to the composition of claim 1. It is Applicant's position that claim 6-8 and 12-19 as now presented feature statutory subject matter as a composition is listed as patentable subject matter under 35 U.S.C. 101. Accordingly, Applicant respectfully requests that the Examiner remove the rejection in view of the changes made to claims 6-8 and 12-19.

Claims 1-19 have been rejected under 35 U.S.C. 101 because the Office Action states that there is no credible utility for "curing" since skin conditions, such as psoriasis cannot be cured.

Applicant has amended the claims to provide that the composition and method of the present invention alleviate the symptoms of common dermatitis infections. This is supported on page 1, lines 5-11 of the specification. It is Applicant's position that the claims as now presented feature patentable subject matter as required under 35 U.S.C. 101. Accordingly, Applicant respectfully requests that the Examiner remove the rejection in light of the changes to the claims.

Claims 1-19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Yu et al. (U.S. 5,686,489).

The present invention relates to a composition and a method for producing a composition containing triethyl citrate that is applied to a user's skin that has pyoderma,

impetigo vulgaris or other common dermatitis infections, such as atopic dermatitis and various forms of eczema. The composition advantageously reduces and alleviates the symptoms of these skin infections. Applicant has discovered that conventional techniques have never used a composition containing triethyl citrate to alleviate or eliminate these skin infections, which are caused by bacterial infections. The prior art as a whole fails to disclose such a composition or such skin infection relieving advantages.

Yu et al. discloses alpha hydroxyacid esters and related compounds on topical application induced increased skin thickness due to new biosyntheses of dermal components including glycosaminoglycans, proteoglycans, collagen and elastin. The compositions containing the esters are applied directly to the skin for treatment of aging related skin changes including pigmented and non-pigmented age spots, skin lines, wrinkles and photoaging without any external activation or stimulation of the skin. The compositions positively affect changes in the dermis such that visible changes occur in the skin. This includes visibly reducing or eradicating wrinkles and skin lines so that the skin appears plumper and more full, which gives the skin a younger and more youthful appearance.

Yu et al. fails to teach and fails to suggest the combination of forming a composition containing triethyl citrate as the active ingredient and applying the composition to a skin portion of a user that is affected by one or more dermatitis infections, such as pyodermitis, dermatitis, eczema and cutaneous blemishes. At most, Yu et al. discloses alpha hydroxyacid esters for skin aging. However, Yu et al. is void of any suggestion for applying the alpha hydroxyacid esters to a user's skin that is affected by pyodermitis, dermatitis, eczema and cutaneous blemishes.

In fact, Yu et al. does not provide any teaching that applying the alpha hydroxyacid esters to a user's skin would alleviate the symptoms of any such dermatitis infections. In contrast to Yu et al., the composition containing triethyl citrate as an active ingredient is applied directly to an external portion of a user's skin that contains one or more of pyodermitis, dermatitis, eczema and cutaneous blemishes. This advantageously relieves the user's skin of the symptoms associated with such dermatitis infections, such bleeding as a result of severely cracked skin and discoloration of the skin. Yu et al. fails to provide any of these dermatitis alleviating advantages since the composition of Yu et al. is only applied specifically to portions of a user's skin having age spots, skin lines and wrinkles. Compared with the present invention, Yu et al. provides no teaching or suggestion for applying a composition containing triethyl citrate directly to an area of a user's skin that is affected by a dermatitis infection as claimed. As such, the prior art as a whole takes a different approach and fails to disclose each feature of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1 and 9 as now presented and all claims that respectively depend thereon.

Favorable consideration on the merits is requested.

Respectfully submitted  
for Applicant,



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Attached: Petition for Three Month Extension of Time  
Terminal Disclaimer

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.